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**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:07-cv-21299-AJ**

Tamayo et al v. United States Department of Justice et al
Assigned to: Judge Adalberto Jordan
Referred to: Magistrate Judge Chris M. McAliley
Cause: 05:0552 Freedom of Information Act

Date Filed: 05/18/2007
Date Terminated: 06/18/2010
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Juan Tamayo

represented by **Robert Thomas Watson**
United States Attorney's Office
Criminal Division, Major Crimes Section
James Lawrence King Federal Justice
Building
99 NE 4th St.
Miami, FL 33132-2111
305-961-9043
Fax: 305-530-7976
Email: robert.watson4@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sanford Lewis Bohrer
Holland & Knight
701 Brickell Avenue
Suite 3000
Miami, FL 33131
305-789-7678
Fax: 679-6335
Email: sbohrer@hklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Daniel Ponce
Holland & Knight

701 Brickell Avenue
Suite 3000
Miami, FL 33131
305-789-7575
Fax: 305-789-7799
Email: sponce@hklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Miami Herald Media Company
publisher of The Miami Herald

represented by **Robert Thomas Watson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sanford Lewis Bohrer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Daniel Ponce
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Justice

represented by **Carole M. Fernandez**
United States Attorney's Office
Federal Justice Building
99 NE 4th Street
Miami, FL 33132
305-961-9333
Fax: 305-530-7139
Email: Carole.Fernandez@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

United States Department of Navy

represented by **Carole M. Fernandez**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2007	<u>1</u>	COMPLAINT against United States Department of Justice, United States Department of Navy Filing fee \$ 350. Receipt#: 959938, filed by Juan Tamayo, Miami Herald Media Company.(vjk) (Entered: 05/21/2007)
05/18/2007	<u>2</u>	Summons Issued as to United States Department of Justice, United States Department of Navy. (vjk) (Entered: 05/21/2007)
05/24/2007	<u>3</u>	ORDER OF RECUSAL. Judge Cecilia M. Altonaga recused. Case reassigned to Judge Adalberto Jordan for all further proceedingsSigned by Judge Cecilia M. Altonaga on 5/22/2007.(jc) (Entered: 05/24/2007)
06/04/2007	<u>4</u>	SUMMONS Returned Executed by Juan Tamayo, Miami Herald Media Company. United States Department of Justice/US Attorney, Southern, Florida served on 5/24/2007, answer due 6/13/2007. (hd) (Entered: 06/04/2007)
06/22/2007	<u>5</u>	ANSWER to Complaint by United States Department of Justice, United States Department of Navy.(Fernandez, Carole) (Entered: 06/22/2007)
07/12/2007	<u>6</u>	Order Requiring Joint Scheduling Report, Joint Scheduling Report due by 7/18/2007.Signed by Judge Adalberto Jordan on 07/11/2007.(bs) (Entered: 07/12/2007)
07/13/2007	<u>7</u>	Joint MOTION for Extension of Time to File <i>Joint Scheduling Report</i> by Juan Tamayo, Miami Herald Media Company. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order on Motion for Extension of Time)(Watson, Robert) (Entered: 07/13/2007)
08/03/2007	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time to File. Scheduling report to be filed no later than 8/8/07.Signed by Judge Adalberto Jordan on 8/2/07. (lk) (Entered: 08/03/2007)
08/07/2007	<u>9</u>	SCHEDULING REPORT- Rule 26(f). (Watson, Robert) (Entered: 08/07/2007)
08/16/2007	<u>10</u>	ORDER REFERRING CASE to Magistrate Judge Edwin G. Torres for Discovery,Signed by Judge Adalberto Jordan on 8/16/07.(lh) (Entered: 08/17/2007)

08/17/2007	<u>11</u>	SCHEDULING ORDER: Jury Trial set for 4/28/2008 in Miami Division before Judge Adalberto Jordan. Calendar Call set for 4/22/2008 09:00 AM in Miami Division before Judge Adalberto Jordan. Pretrial Stipulation due by 2/25/2008.Signed by Judge Adalberto Jordan on 8/16/07.(lk) (Entered: 08/17/2007)
08/17/2007	12	CASE REFERRED to Magistrate Judge Edwin G. Torres for Discovery. (lk) (Entered: 08/17/2007)
09/05/2007	<u>13</u>	NOTICE by United States Department of Justice, United States Department of Navy <i>regarding Consent to Magistrate Judge Jurisdiction</i> (Fernandez, Carole) (Entered: 09/05/2007)
09/05/2007	<u>14</u>	NOTICE by Juan Tamayo, Miami Herald Media Company <i>Regarding Consent to Trial and Final Disposition by Magistrate Judge</i> (Watson, Robert) (Entered: 09/05/2007)
09/14/2007	<u>15</u>	Joint MOTION <i>Requesting Settlement Conference with Magistrate Judge in Lieu of Mediation</i> by United States Department of Justice, United States Department of Navy. (Attachments: # <u>1</u> Text of Proposed Order granting joint motion)(Fernandez, Carole) (Entered: 09/14/2007)
10/26/2007	<u>16</u>	NOTICE by United States Department of Justice, United States Department of Navy <i>of Hearing</i> (Fernandez, Carole) Modified text on 10/29/2007 (tp). See document number 17 for corrected entry (Entered: 10/26/2007)
10/26/2007	17	NOTICE of Hearing: Discovery Hearing set for 11/30/2007 02:30 PM in Miami Division before Magistrate Judge Edwin G. Torres. See document number <u>16</u> for image(tp) (Entered: 10/29/2007)
10/29/2007	18	NOTICE of Docket Correction and Instruction to Filer: re <u>16</u> Notice (Other) filed by United States Department of Justice,, United States Department of Navy, Error: Wrong Event Selected; Correction=Redocketed as Notice of Hearing. Instruction to Filer=In the future please select the proper Event -"Notice of Hearing" no need to refile (tp) (Entered: 10/29/2007)
10/29/2007	<u>19</u>	ORDER APPOINTING MEDIATOR: Peter R Palermo added, ORDER REFERRING CASE to Mediation. Signed by Judge Adalberto Jordan on 10/29/07. (lh) (Entered: 10/30/2007)

11/28/2007	<u>20</u>	ORDER cancelling 17 Notice of Hearing on Court's Discovery Calendar and directing the parties for briefing. Upon review of the discovery materials submitted in anticipation of the hearing previously scheduled for November 30th, the Court concludes that the pending issues should first be addressed through briefing on the legal issues raised by Plaintiff's request for admissions. There is a concern that a discovery dispute should not be the forum by which the exemption issues raised by the complaint and answer should be adjudicated. On the other hand, the admissions requested may shorten the time necessary for that adjudication, for which an order compelling responses may be appropriate. Therefore, as the Defendant has the burden in this matter, it is Ordered to file within ten days its memorandum in support of its objections. Plaintiff shall file its response memorandum ten days thereafter. No reply will be necessary. Upon review of the parties' written positions, the Court will determine if a hearing is still necessary or if the matter can be addressed on the papers. Docket Order Signed by Magistrate Judge Edwin G. Torres on 11/28/2007. (EGT) (Entered: 11/28/2007)
12/11/2007	<u>21</u>	MEMORANDUM OF LAW <i>in Support of Defendants' Objection to Plaintiffs' Requests for Admission</i> by United States Department of Justice, United States Department of Navy. (Fernandez, Carole) (Entered: 12/11/2007)
12/20/2007	<u>22</u>	RESPONSE to <u>21</u> Memorandum of Law filed by Juan Tamayo, Miami Herald Media Company. (Attachments: # <u>1</u> Exhibit A)(Watson, Robert) (Entered: 12/20/2007)
12/20/2007	<u>23</u>	Unopposed MOTION for Extension of Time to Complete Discovery by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) (Entered: 12/20/2007)
01/09/2008	<u>24</u>	Unopposed MOTION for Extension of Time to Mediate by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) (Entered: 01/09/2008)
01/23/2008	<u>25</u>	Amended MOTION for Extension of Time to Complete Discovery <i>Unopposed</i> by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) (Entered: 01/23/2008)
01/23/2008	<u>26</u>	Unopposed MOTION for Extension of Time to File <i>Pre-Trial Motions</i> by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) (Entered: 01/23/2008)
01/25/2008	<u>27</u>	MOTION for Summary Judgment <i>with incorporated memorandum of law</i> by United States Department of Justice, United States Department of Navy. Responses due by 2/8/2008 (Attachments: # <u>1</u> Affidavit of John W. Kornmeier# <u>2</u> Affidavit of Commander James A. Protin)(Fernandez, Carole) (Entered: 01/25/2008)
02/04/2008	<u>28</u>	RESPONSE in Opposition re <u>27</u> MOTION for Summary Judgment <i>with incorporated memorandum of law</i> filed by Juan Tamayo, Miami Herald Media Company. (Ponce, Scott) (Entered: 02/04/2008)

02/13/2008	29	DISCOVERY ORDER related to pending admissions requests. Signed by Magistrate Judge Edwin G. Torres on 02/13/2008.(EGT) (Entered: 02/13/2008)
02/14/2008	30	REPLY to Response to Motion re 27 MOTION for Summary Judgment <i>with incorporated memorandum of law</i> filed by United States Department of Justice, United States Department of Navy. (Fernandez, Carole) (Entered: 02/14/2008)
02/20/2008	31	ORDER granting 24 Motion for Extension of Time to Mediate, granting 25 Motion for Extension of Time to Complete Discovery, denying 26 Motion for Extension of Time to File. Mediation Deadline 4/15/2008. Discovery shall be completed no later than 3/15/08.Signed by Judge Adalberto Jordan on 2/20/08. (lk) (Entered: 02/20/2008)
02/29/2008	32	Plaintiff's MOTION for clarification by Juan Tamayo, Miami Herald Media Company. Responses due by 3/14/2008 (Watson, Robert) (Entered: 02/29/2008)
02/29/2008	33	ORDER Settlement Conference set for 3/19/2008 09:30 AM in Miami Division before Magistrate Judge Peter R. Palermo.Signed by Magistrate Judge Peter R. Palermo on 02/29/08.(ds) (Entered: 02/29/2008)
03/05/2008	34	ORDER granting 32 Motion for Clarification, Signed by Judge Adalberto Jordan on 3/5/08. (lh) (Entered: 03/05/2008)
03/13/2008	35	Plaintiff's MOTION for Summary Judgment by Juan Tamayo, Miami Herald Media Company. Responses due by 3/27/2008 (Watson, Robert) (Entered: 03/13/2008)
03/19/2008	36	Minute Entry for proceedings held before Magistrate Judge Peter R. Palermo : Settlement Conference held on 3/19/2008.CASE DID NOT SETTLE. (ds) (Entered: 03/19/2008)
03/27/2008	37	RESPONSE in Opposition re 35 Plaintiff's MOTION for Summary Judgment filed by United States Department of Justice, United States Department of Navy. (Fernandez, Carole) (Entered: 03/27/2008)
04/01/2008	38	ORDER Setting Hearing on Motion 35 Plaintiff's MOTION for Summary Judgment, and 27 MOTION for Summary Judgment <i>with incorporated memorandum of law</i> : Motion Hearing set for 4/25/2008 02:30 PM in Miami Division before Judge Adalberto Jordan.Signed by Judge Adalberto Jordan on 4/1/08.(lk) (Entered: 04/01/2008)
04/04/2008	39	REPLY to Response to Motion re 35 Plaintiff's MOTION for Summary Judgment filed by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) (Entered: 04/04/2008)

04/08/2008	40	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Order 2008-09 to Judge Chris M. McAliley. (bs) (Entered: 04/08/2008)
04/08/2008	41	ORDER denying as moot 23 Motion for Extension of Time to Complete Discovery Signed by Judge Adalberto Jordan on 4/8/08. (tp) (Entered: 04/08/2008)
04/10/2008	42	Joint MOTION for Extension of Time to File <i>Joint Pretrial Stipulation and to Comply with Other Pretrial Requirements</i> , Joint MOTION for Clarification re 38 Order Setting Hearing on Motion, by United States Department of Justice, United States Department of Navy. (Attachments: # 1 Text of Proposed Order granting motion)(Fernandez, Carole) (Entered: 04/10/2008)
04/14/2008	43	CLERK'S NOTICE (vp)of discovery procedures in re Case Reassignment to Paired Magistrate Judge McAliley. (Entered: 04/14/2008)
04/28/2008	44	ORDER granting 42 Motion for Extension of Time to File, granting 42 Motion Clarification This case is removed from the trial calendar commencing 4/28/08 and the deadlines for filing pretrial stipulation and proposed jury instructions are cancelled. Deadlines for filing the joint pretrial stipulation and proposed findings of fact and conclusions of law will be rescheduled. Signed by Judge Adalberto Jordan on 4/25/08. (tp) (Entered: 04/28/2008)
05/01/2008	45	Minute Entry for proceedings held before Judge Adalberto Jordan: Motion Hearing held on 5/1/2008 re 27 MOTION for Summary Judgment <i>with incorporated memorandum of law</i> filed by United States Department of Justice,, United States Department of Navy,, 35 Plaintiff's MOTION for Summary Judgment filed by Juan Tamayo, Miami Herald Media Company. Order to follow. Court Reporter: Francine Salopek - phone number 305-523-5568 (mc1) (Entered: 05/01/2008)
05/05/2008	46	ORDER deferring ruling after all the submissions have been made on 35 Motion for Summary Judgment, deferring ruling on 27 Motion for Summary Judgment Signed by Judge Adalberto Jordan on 5/5/08. (tp) (Entered: 05/05/2008)
06/02/2008	47	MOTION for Modification of Order and/or Enlargement of Time re 46 Order on Motion for Summary Judgment, by United States Department of Justice, United States Department of Navy. (Attachments: # 1 Exhibit A, Vaughn index as to withheld Navy documents)(Fernandez, Carole) (Entered: 06/02/2008)
06/06/2008	48	RESPONSE in Opposition re 47 MOTION for Modification of Order and/or Enlargement of Time re 46 Order on Motion for Summary Judgment, MOTION for Modification of Order and/or Enlargement of Time re 46 Order on Motion for Summary Judgment, filed by Juan Tamayo, Miami Herald Media Company. (Ponce, Scott) (Entered: 06/06/2008)

06/12/2008	49	ORDER granting in part 47 Motion for Modification of Order and/or for Enlargement of Time. Signed by Judge Adalberto Jordan on 6/12/08. (tp) (Entered: 06/12/2008)
09/02/2008	50	NOTICE by United States Department of Justice, United States Department of Navy <i>Regarding In Camera Production and Vaughn Index and Motion for Reconsideration</i> (Attachments: # 1 Exhibit A)(Fernandez, Carole) (Entered: 09/02/2008)
09/29/2008	51	ORDER denying without prejudice 35 Motion for Summary Judgment; denying without prejudice 27 Motion for Summary Judgment. Plaintiffs can file a supplemental memorandum by 10/3/08 and the government can reply by 10/17/08. Signed by Judge Adalberto Jordan on 9/29/08. (tp) (Entered: 09/29/2008)
10/02/2008	52	MEMORANDUM in Opposition re 50 Notice (Other) <i>Supplemental Memorandum Regarding Second Vaughn Index of Documents Withheld by the Department of the Navy</i> filed by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) (Entered: 10/02/2008)
10/17/2008	53	RESPONSE/REPLY to 52 Memorandum in Opposition filed by United States Department of Justice, United States Department of Navy. (Fernandez, Carole) (Entered: 10/17/2008)
10/23/2008	54	NOTICE of filing Magistrate Judge Chris M. McAliley's REVISED discovery procedures. (vp) (Entered: 10/23/2008)
07/14/2009	55	Plaintiff's MOTION Status Conference re 50 Notice (Other), 46 Order on Motion for Summary Judgment, 51 Order on Motion for Summary Judgment,,, by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) Modified relief on 7/15/2009 (tp). (Entered: 07/14/2009)
07/15/2009	56	Clerks Notice to Filer re 55 Motion for Status Conference. Filer Selected the Wrong Motion Relief(s) ; ERROR - The Filer selected the wrong motion relief(s) when docketing the motion. The correction was made by the Clerk. it is not necessary to refile this document but future motions filed must include applicable reliefs. (tp) (Entered: 07/15/2009)
07/17/2009	57	ORDER Setting Status Conference, granting 55 Motion for Hearing (status conference set for 7/31/2009). Signed by Judge Adalberto Jordan on 7/17/2009. (cqs) (Entered: 07/17/2009)
07/17/2009		Set Hearings: Evidentiary Hearing set for 7/31/2009 11:00 AM in Miami Division before Judge Adalberto Jordan. (cqs) (Entered: 07/17/2009)

08/03/2009	58	NOTICE by United States Department of Justice, United States Department of Navy <i>of Disclosure</i> (Attachments: # 1 Exhibit redacted page)(Fernandez, Carole) (Entered: 08/03/2009)
08/25/2009	59	NOTICE by United States Department of Justice, United States Department of Navy <i>of filing Memorandum of Law Regarding FOIA Exemptions 1, 2, 7(D) and 7(E)</i> (Attachments: # 1 Affidavit of David M. Hardy)(Fernandez, Carole) (Entered: 08/25/2009)
08/25/2009	60	MEMORANDUM OF LAW Regarding FOIA Exemptions 1, 2, 7(D) and 7(E) by United States Department of Justice, United States Department of Navy. DOCKETING CORRECTION SEE DE 59 FOR IMAGE (tp) (Entered: 08/26/2009)
08/26/2009	61	Clerks Notice to Filer re 59 Notice (Other). Wrong Event Selected; ERROR - The Filer selected the wrong event. The document was re-docketed by the Clerk, see [de# 60]. It is not necessary to refile this document. (tp) (Entered: 08/26/2009)
09/15/2009	62	RESPONSE/REPLY to 60 Memorandum of Law, 59 Notice (Other) <i>Regarding Additional FOIA Exemptions</i> by Juan Tamayo, Miami Herald Media Company. (Watson, Robert) (Entered: 09/15/2009)
09/25/2009	63	RESPONSE/REPLY to 60 Memorandum of Law by United States Department of Justice, United States Department of Navy. (Fernandez, Carole) (Entered: 09/25/2009)
01/08/2010	64	Unopposed MOTION for Hearing <i>Status Conference</i> by Miami Herald Media Company, Juan Tamayo. (Watson, Robert) (Entered: 01/08/2010)
04/09/2010	65	ORDER Denying 50 Notice regarding in camera production, Vaughn index and motion for reconsideration,,, Denying w/o prejudice 64 Unopposed MOTION for Hearing <i>Status Conference</i> filed by Juan Tamayo, Miami Herald Media Company, Motions terminated: 64 . Signed by Judge Adalberto Jordan on 4/9/2010. (lbc) (Entered: 04/09/2010)
04/21/2010	66	MOTION for Modification of Order re 65 Order, Terminate Motions,, by United States Department of Justice, United States Department of Navy. (Attachments: # 1 Text of Proposed Order)(Fernandez, Carole) Modified relief on 4/22/2010 (tp). (Entered: 04/21/2010)
04/22/2010	67	Clerks Notice to Filer re 66 Motion for Modification of Order. Filer Selected the Wrong Motion Relief(s); ERROR - The Filer selected the wrong motion relief(s) when docketing the motion. The correction was made by the Clerk. It is not necessary to refile this document but future motions filed must include applicable reliefs. (tp) (Entered: 04/22/2010)

04/23/2010	68	ORDER denying 66 Motion to Amend/Correct. Signed by Judge Adalberto Jordan on 4/23/2010. (lbc) (Entered: 04/23/2010)
05/17/2010	69	MEMORANDUM in Opposition re 27 MOTION for Summary Judgment <i>with incorporated memorandum of law (Supplemental Briefing)</i> by Miami Herald Media Company, Juan Tamayo. (Attachments: # 1 Exhibit A - Vaughn Index (FBI documents))(Watson, Robert) Modified on 5/18/2010 (ls). (Entered: 05/17/2010)
05/27/2010	70	ORDER REACTIVATING 27 MOTION for Summary Judgment <i>with incorporated memorandum of law</i> filed by United States Department of Navy, United States Department of Justice. Signed by Judge Adalberto Jordan on 5/27/2010. (tp) (Entered: 05/27/2010)
05/28/2010	71	RESPONSE/REPLY to 69 Memorandum in Opposition, by United States Department of Justice, United States Department of Navy. (Fernandez, Carole) (Entered: 05/28/2010)
06/02/2010	72	NOTICE by United States Department of Justice, United States Department of Navy re 71 Response/Reply (Other) <i>of Correction</i> (Fernandez, Carole) (Entered: 06/02/2010)
06/18/2010	73	Final JUDGMENT. Signed by Judge Adalberto Jordan on 6/18/2010. (lbc) (Entered: 06/18/2010)
06/18/2010	74	ORDER on Motions for Summary Judgment. Granting defendant's 27 motion for summary judgment. Denying 35 plaintiff's motion for summary judgment. Signed by Judge Adalberto Jordan on 6/18/2010. (lbc) (Entered: 06/18/2010)
07/22/2010	75	ORDER Directing Defendants to make Arrangements to Return the Records Produced to the Court to the appropriate Agencies by 8/6/2010. Signed by Judge Adalberto Jordan on 7/22/2010. (ls) (Entered: 07/22/2010)

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